

## MINUTES

### EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

TUESDAY, SEPTEMBER 24, 2013

COUNCIL CHAMBER

4:00 P.M.

#### PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members David Duax, Catherine Emmanuelle, Kerry Kincaid, Eric Larsen, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong. Absent: Council Member David Klinkhammer.

#### CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, September 24, 2013.

- Minutes of Regular Meeting of September 10, 2013.
- New bartender licenses.
- Temporary Class B Fermented Malt Beverage license to Sacred Heart of Jesus-St. Patrick Parish, Rev. George Thayilkuzhithottu, president, on November 3, 2013 at 418 N. Dewey Street for a Sacred Heart / St. Patrick's Holiday Bazaar.
- Temporary expansion of the Combination Class B Intoxicating Liquor & Fermented Malt Beverage licensed premise of Eau Claire Fire House, d/b/a The Fire House, 202 Gibson St., to include a fenced area for a Wisctoberfest event, on October 19, 2013.
- Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to Eau Claire Chamber Education Foundation, Mark Faanes, president, on October 15, 2013, at Eau Claire Indoor Sports Center at 3456 Craig Rd. for the Business Expo & Job Fair event.
- American Heart Association to conduct the Eau Claire Heart Walk on Saturday, September 28, 2013 in Carson Park and along city trails and sidewalks.
- Brain Injury Alliance of Wisconsin to conduct Walk for Thought on Saturday, October 5, 2013 in Carson Park and along city trails.
- Crohn's and Colitis Foundation of America to conduct the Take Steps Walk on Sunday, October 6, 2013 along city trails and sidewalks.
- American Cancer Society to conduct the Making Strides Against Breast Cancer on Saturday, October 19, 2013 in downtown Eau Claire and along city streets, trails, and sidewalks.
- Disallowance of the claim of Adam Miller for bodily injury arising out of a slip and fall accident on February 2, 2013.
- Petition and directing the City Engineer to prepare a report in accordance with s. 66.0703, Wis. Stats., for improvements to the alley between S. Barstow Street and S. Farwell Street from Marston Avenue to Newton Street.

Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden "to adopt the consent resolution". Said motion passed by unanimous vote.

## **PROCLAMATION**

Council President Kincaid, on behalf of the City Council, proclaimed October 6 – 12, 2013 as Fire Prevention Week in the City of Eau Claire.

## **LIQUOR LICENSE**

The City Council considered a resolution granting a Combination Class B Intoxicating Liquor & Fermented Malt Beverage license to JBJ Empire LLC, d/b/a Empire Grill & Bar, 120 N. Clairemont Ave., Jonathan W. Hurlburt, agent. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt said resolution”. Said motion passed by unanimous vote.

## **POLICE DEPARTMENT GRANT**

The Council considered a resolution authorizing the Police Department to accept an Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Funds from the US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

## **APPOINTMENTS**

The City Council considered a resolution approving the following appointments to Boards, Commissions and Committees:

Bicycle/Pedestrian Advisory Commission

(unexpired three-year term, to expire December 31, 2014)

George Utphall - new appointment

North Barstow /Medical Business Improvement District

(unexpired three-year term, to expire December 31, 2014)

Jason Craig - new appointment

Special Assessment Deferment Committee

(unexpired three-year term, to expire June 30, 2015)

Thomas Kemp - new appointment

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

## **PARK IMPROVEMENTS**

The Council considered a resolution approving the proposed Pinehurst Park improvements for the development of winter recreation activities and awarding a bid for Procurement 2013-45. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Larsen “to adopt said resolution”. Said motion passed by unanimous vote.

### **PAUL BUNYAN CAMP AGREEMENT**

The City Council considered a resolution approving the renewal of a lease with the Paul Bunyan Logging Camp in Carson Park. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Lewis “to adopt said resolution”. Said motion passed by unanimous vote.

### **VOTING SITE**

The City Council considered a resolution establishing a new voting site at Birch Street Baptist Church, 3120 Birch Street to replace NorthStar Middle School. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Mitchell “to adopt said resolution”. Said motion passed by unanimous vote.

### **CONFLUENCE COUNCIL**

The Council considered a resolution establishing a Confluence Council Task Force. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Lewis “that the Council resolves into a committee of the whole to consider Item No. 20 on the agenda of this City Council meeting regarding the establishment of a Confluence Council Task Force”. Said motion passed by a unanimous voice vote. After a lengthy discussion, a motion was offered by Council Member Duax and seconded by Council Member Strobel “that the committee of the whole rise and report (move out of the committee of the whole status and return to its legislative session)”. Said motion was approved by a unanimous voice vote. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Lewis “that the Council adopt the substitute resolution and task force charter, both as amended by the committee of the whole”. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Werthmann “to amend said resolution by deleting the fifth Where As paragraph which reads:

WHEREAS, many issues need to be decided by the City Council including possible city participation in financing, ownership and operation of the Community Arts Center.”. Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Duax, Lewis, Strobel, and Von Haden. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to amend said resolution by deleting the second Where As paragraph which reads:

WHEREAS, the development of a Confluence Council, as a component of the Confluence Community Arts Center, will assist with the Quality of Place (#2), aid with providing Economic Vitality (#3) and incorporate Community Engagement (#6) of the 2014 Strategic Priorities of the City Council.”.

Said motion to amend failed on the following tie vote: Aye: Council Members Duax, Lewis, Strobel, Von Haden and Xiong. Nay: Council Members Emmanuelle, Kincaid, Larsen, Mitchell and Werthmann. The Council then voted on the motion to adopt the resolution as amended. Said motion to adopt passed by unanimous vote.

## **ZONING**

The City Council considered an ordinance rezoning property at 2225 Sherwin Avenue from C-2 to R-1 as shown on Planning File #Z-1532-13. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt said ordinance”. Said motion passed by following vote: Aye: Council Members Emmanuelle, Kincaid, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Members Duax and Werthmann.

## **DANGEROUS DOGS**

The Council considered an ordinance amending Section 6.08.045 and specifically subsection D of the Code of Ordinances of the City of Eau Claire entitled “Dangerous Dogs”. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt said ordinance”. Said motion passed by unanimous vote.

## **MIXED-USE DEVELOPMENT**

The City Council had first reading on an ordinance amending Chapter 18.15 of the Zoning Code (MX-Mixed-use Development Overlay District) clarifying the language as to when mixed-use development must be achieved as shown on Planning File #Z-1533-13.

## **ZONING**

The Council had first reading on an ordinance rezoning property on the north side of Keystone Crossing, east of Golf Road, from R-3P to C-3MX and to approve the General Development Plan for the Keystone Crossing Development as shown on Planning File #Z-1534-13.

## **TRANSIT COMMISSION MEMBERSHIP**

The City Council had first reading on a Charter Ordinance amending Chapter 2.60 entitled “Transit Commission” and specifically Section 2.60.020, entitled “Membership--Terms--Qualifications”, and Section 2.60.030 entitled “Powers and Duties”, of the Code of Ordinances of the City of Eau Claire.

## **ADJOURNMENT**

A motion was offered by Council Member Mitchell and seconded by Council Member Strobel “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: September 24, 2013

Time: 6:55 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk